



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH**
Washington, D.C. 20570

Via email

February 24, 2022

Re: FOIA Case No. NLRB-2022-000482

Dear Amanda L. Stallsworth:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on January 27, 2022, in which you seek records pertaining to the following: "Grandfather crossed strike line in 1950's. Indiana oxygen and local 135. He was beaten. Looking for case information have a possible case number of 35-cb-128. Looking for transcripts and any other information about his case. [a named individual] Indianapolis Indiana." You assumed financial responsibility for the processing of your request in the amount of \$37.00. You also attached a screenshot of a portion of an old Board decision for reference.

We acknowledged your request on January 27, 2022.

To the extent your request references a named individual, please be advised that we do not search for records by individual names because conducting a search by an individual's name could constitute an unwarranted invasion of personal privacy of that individual. FOIA law establishes that individuals named in law enforcement investigatory files, including charging parties, witnesses, investigators, and informants have such a protectible privacy interest. *See, e.g., Davis v. Dep't of Justice*, 968 F.2d 1276, 1281 (D.C. Cir. 1992); *Schrecker v. Dep't. of Justice*, 349 F.3d 657, 661 (D.C. Cir. 2003).

However, given that you provided an employer name, union local number, and possible case number, several electronic searches of the Agency's electronic casehandling system, NxGen, the Agency's website, and the Agency's custom document search tool, Integrated Search, or "iSearch," were conducted to try to locate any specific case and document data and/or document content. Our searches located the Board's Decision in *Lloyd Reisner, Business Agent of Local 135; Local 135, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL and Coleman Wiggins*, Case No. 35-CB-145, which is the same case you included as the screenshot attachment to your request. No other records were located regarding this Board decision in Case 35-CB-145 (or for the case number you provided, Case 35-CB-128). The

responsive Board decision is located on the Agency's website at <https://www.nlr.gov/case/35-CB-000145>, and is attached for your convenience.

Please be advised that pursuant to the Agency's record retention and disposition policy, records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. Although the likely date of closure of the requested case predates the Agency's list of permanently retained cases, which is maintained for cases that closed between 1982-2010, we nevertheless conducted a search of the list and confirmed that the requested case was not on the list and likely not selected for permanent retention during this timeframe.

For the purpose of assessing fees, we have placed you in Category D, the "all other requesters" category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to recover the reasonable direct costs for searching for the requested records, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Less than two hours of professional time was expended in searching for the requested material. Accordingly, there is no charge assessed for this request.

You may contact Jodilyn Breirather, the FOIA Specialist who processed your request, at (202) 368-1927 or by email at Jodilyn.Breirather@nlrb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records

Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (14 pages)